

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1019

Introduced by Assembly Member Blakeslee

February 22, 2007

An act to amend Section ~~65584.5~~ 65584.07 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1019, as amended, Blakeslee. Land use: annexation: housing.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes local governments to annex portions of territory to other local governments, as specified.

The Planning and Zoning law requires local governments to adopt comprehensive general plans that address a number of elements, including the housing element. The Department of Housing and Community Development is required to assist local governments in the allocation of the regional housing needs. Existing law also authorizes a city or county to transfer a percentage of its share of the regional housing needs to another city or county, as specified.

Existing law requires each city, county, and city and county to revise its housing element on specified dates, in accordance with a specified schedule, and not less often than once every 5th year after that revision.

Existing law requires, during the period between adoption of a final regional housing needs allocation until the due date of the housing element update, that the council of governments, or the department, whichever assigned the county's share, reduce the share of regional housing needs of a county if certain conditions are met. If an incorporation of a new city occurs after the council of governments, or

the department for areas with no council of governments, has made its final allocation under these provisions, the city and county are authorized to reach a mutually acceptable agreement on a revised determination of regional housing needs, to reallocate a portion of the affected county's share of regional housing needs to the new city, and report the revision to the council of governments and the department, or to the department for areas with no council of governments.

~~This bill would require, where land proposed for annexation or incorporation to a city includes parcels that have been identified in a county's housing element as designated to meet its regional housing need goal, the maximum number of units that may be constructed on those parcels to be transferred to the annexing or incorporating city as part of its fair share regional housing need, as specified~~ *authorize a similar mutually acceptable agreement on a revised determination of regional housing needs if an annexation of unincorporated land to a city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65584.07 of the Government Code is
- 2 amended to read:
- 3 65584.07. (a) During the period between adoption of a final
- 4 regional housing needs allocation until the due date of the housing
- 5 element update ~~pursuant to~~ *under* Section 65588, the council of
- 6 governments, or the department, whichever assigned the county's
- 7 share, shall reduce the share of regional housing needs of a county
- 8 if all of the following conditions are met:
- 9 (1) One or more cities within the county agree to increase its
- 10 share or their shares in an amount equivalent to the reduction.
- 11 (2) The transfer of shares shall only occur between a county
- 12 and cities within that county.
- 13 (3) The county's share of low-income and very low income
- 14 housing shall be reduced only in proportion to the amount by which
- 15 the county's share of moderate- and above moderate-income
- 16 housing is reduced.
- 17 (4) The council of governments or the department, whichever
- 18 assigned the county's share, shall approve the proposed reduction,

1 if it determines that the conditions set forth in paragraphs (1), (2),
2 and (3) above have been satisfied. The county and city or cities
3 proposing the transfer shall submit an analysis of the factors and
4 circumstances, with all supporting data, justifying the revision to
5 the council of governments or the department. The council of
6 governments shall submit a copy of its decision regarding the
7 proposed reduction to the department.

8 (b) ~~(1)~~ The county and cities ~~which~~ *that* have executed transfers
9 of regional housing need ~~pursuant to~~ *under* this section shall amend
10 their housing elements and submit them to the department for
11 review ~~pursuant to~~ *under* Section 65585.

12 ~~At~~

13 (2) *All* materials and data used to justify any revision shall be
14 made available upon request to any interested party within seven
15 days upon payment of reasonable costs of reproduction unless the
16 costs are waived due to economic hardship. A fee may be charged
17 to interested parties for any additional costs caused by the
18 amendments made to former subdivision (c) of Section 65584 that
19 reduced from 45 to 7 days the time within which materials and
20 data were required to be made available to interested parties.

21 ~~(c) In the event~~ *(1) If* an incorporation of a new city occurs after
22 the council of governments, or the department for areas with no
23 council of governments, has made its final allocation under this
24 section, the city and county may reach a mutually acceptable
25 agreement on a revised determination and report the revision to
26 the council of governments and the department, or to the
27 department for areas with no council of governments. If the affected
28 parties cannot reach a mutually acceptable agreement, then either
29 party may request the council of governments, or the department
30 for areas with no council of governments, to consider the facts,
31 data, and methodology presented by both parties and make the
32 revised determination.

33 ~~The~~

34 (2) *The* revised determination shall be made within ~~one year of~~
35 ~~the incorporation of the new city~~ *six months after receipt of the*
36 *written request*, based upon the methodology described in
37 subdivision (a), and shall reallocate a portion of the affected
38 county's share of regional housing needs to the new city. The
39 revised determination shall neither reduce the total regional housing
40 needs nor change the previous allocation of the regional housing

1 needs assigned by the council of governments or the department,
2 where there is no council of governments, to other cities within
3 the affected county.

4 *(d) (1) If an annexation of unincorporated land to a city occurs*
5 *after the council of governments, or the department for areas with*
6 *no council of governments, has made its final allocation under*
7 *this section, the city and county may reach a mutually acceptable*
8 *agreement on a revised determination and report the revision to*
9 *the council of governments and the department, or to the*
10 *department for areas with no council of governments. If the affected*
11 *parties cannot reach a mutually acceptable agreement, then either*
12 *party may request the council of governments, or the department*
13 *for areas with no council of governments, to consider the facts,*
14 *data, and methodology presented by both parties and make the*
15 *revised determination.*

16 *(2) The revised determination shall be made within six months*
17 *after receipt of the written request, based upon the methodology*
18 *described in subdivision (a), and shall reallocate a portion of the*
19 *affected county's share of regional housing needs, if appropriate,*
20 *to the annexing city. The revised determination shall neither reduce*
21 *the total regional housing needs nor change the previous allocation*
22 *of the regional housing needs assigned by the council of*
23 *governments or the department, where there is no council of*
24 *governments, to other cities within the affected county.*

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27 **All matter omitted in this version of the bill**
28 **appears in the bill as introduced in**
29 **Assembly, February 22, 2007 (JR11)**
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